



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Naoyuki KOBAYASHI et al.

Group Art Unit: 2851

Application No.: 10/588,297

Examiner: M. ASFAW

Filed: August 2, 2006

Docket No.: 128977

For: EXPOSURE APPARATUS, EXPOSURE METHOD, AND METHOD FOR
PRODUCING DEVICE

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 17, 2009 Restriction Requirement, Applicants provisionally elect Group I, claims 1-13, 19, 25-36, 44, 64, 65, 67 and 68. Furthermore, with respect to the Election of Species Requirement, Applicants elect Species A. The Office Action indicates that Species A corresponds to claims 1-13, 19, 36 and 44, and that no claim is generic. While Applicants agree that claims 1-13, 19, 36 and 44 are directed to "temperature adjustment for substrate holding member", Applicants respectfully disagree with the characterization of Species C, and Applicants respectfully submit that independent claim 1 is generic to independent claim 30, which the Office Action groups in Species C. Thus, Applicants respectfully submit that claims 30-35, 65 and 68 should be examined along with claims 1-13, 19, 36 and 44.

In particular, while Species C is described by the Office Action as "directed to temperature adjustment for the first and second substrate stage", independent claim 30 recites

"temperature adjustment systems...which perform temperature adjustment for the substrate-holding member of each of the stages in the measuring station." Thus, like the Species A claims, independent claim 30 and its dependent claims relate to temperature adjustment for a substrate-holding member.

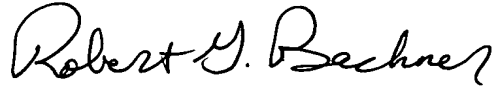
Applicants also submit that the "Species" D-F are not separate species of the Group I invention (as is indicated on page 2, item 3 of the Office Action) because the claims that the Office Action associate with Species D-F are not members of the Group I invention to which the Election of Species is directed.

In any event, even if the Patent Office continues to assert that Species C is separate from Species A, Applicants respectfully submit that independent claim 1 is generic to the claims grouped with Species C, and that the Species C claims should be rejoined and examined when generic independent claim 1 is allowed if the Election of Species Requirement between the alleged Species A and the alleged Species C is maintained.

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Attachment:
Petition for Extension of Time

Date: August 13, 2009

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